

### **REMARKS**

In the September 3, 2004 Office Action, claims 1, 2, 15-18, 21, 22, 24-26, 28-33 and 37-39 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

#### ***Status of Claims and Amendments***

None of the claims are being amended by the current Amendment. Thus, claims 1, 2, 15-18, 21, 22, 24-26, 28-33 and 37-39 are pending, with claims 1 and 29 being the only independent claims. Reconsideration of the pending claims is respectfully requested in view of the following comments.

#### ***Rejections - 35 U.S.C. § 102***

In paragraph 1 of the Office Action, claims 1, 2, 15-18, 21, 24-26, 28-33 and 37-39 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,727,429 (Ueda).

Claims 1 and 29 recite, *inter alia*, a rear pedal control surface having a generally convex shape forming a centrally located pivot. Claims 1 and 29 further recite that the rear pedal control surface faces in a forward direction of the pedal body. This structure is ***not*** disclosed or suggested by Ueda or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference.

In Figures 3 and 5 of the Ueda patent, a rear cleat engaging portion 68 has a *concave* cutout portion 78. The Ueda patent does not disclose a rear pedal control surface having a generally *convex* shape forming a centrally located pivot and facing a forward direction of the pedal body. Therefore, Applicant respectfully submits that claims 1 and 29 are not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that dependent claims 2, 15-18, 21, 22, 24-26, 28, 30-33 and 37-39 are also allowable over the prior art of record in that they depend from independent claims 1 and 29, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate independent claims 1 and 29, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

***Rejections - 35 U.S.C. § 103***

In paragraph 3 of the Office Action, claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Umeda.

Applicant believes that dependent claim 22 is allowable over the prior art of record in that it depends from independent claim 1, and is therefore allowable for the reasons stated above. Also, the dependent claim is further allowable because it includes additional limitations. Thus, Applicant believes that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1, the prior art of record also fails to disclose or suggest the invention as set forth in dependent claim 22.

Therefore, Applicant respectfully requests that this rejection be withdrawn in view of the above comments.

***Prior Art Citation***

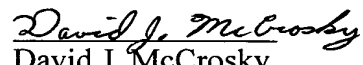
In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

***Conclusion***

Appl. No. 10/773,281  
Amendment dated December 1, 2004  
Reply to Office Action of September 3, 2004

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1, 2, 15-18, 21, 22, 24-26, 28-33 and 37-39 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

  
David J. McCrosky  
Reg. No. 56,232

SHINJYU GLOBAL IP COUNSELORS, LLP  
1233 Twentieth Street, NW, Suite 700  
Washington, DC 20036  
(202)-293-0444  
Dated: December 1, 2004

G:\11-NOV04-KK\SN-US015114A AMDT.doc